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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,526	01/26/2001	Freeland Glen Young III	52493.000133	4921

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Hunton & Williams  
1900 K Street, N.W.  
Washington, DC 20006-1109

EXAMINER
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VYAS, ABHISHEK

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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03/25/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/769,526	<b>Applicant(s)</b> YOUNG ET AL.	
	<b>Examiner</b> ABHISHEK VYAS	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/25/2009</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the claims and remarks filed on 12/21/2007.
2. Claims 1-23 are currently pending and have been examined.
3. Claims 1-23 are rejected. This is a non-final rejection.

### **Information Disclosure Statement**

4. The Information Disclosure Statement filed on 03/25/2009 has been considered.

An initialed copy of the Form 1449 is enclosed herewith.

### ***Examiner Initiated Interview***

5. In an examiner initiated interview with the applicant's representative on 03/22/2011, the examiner indicated claims 1-23 as allowable over the prior art of record, based upon making amendments to the claims to overcome 35 USC 101 and 35 USC 112 2nd paragraph rejections. As requested by the applicant the examiner is providing the detailed rejections below. The applicant is encouraged to call the examiner to further discuss or clarify the nature of the rejections and potential amendments to overcome the rejections.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. In particular, claim 1 recites "and wherein initiation of the policy/account generates a paid and pending commissions report comprising:" However there is no prior antecedent basis for "initiation" and "the policy/account". A policy account is recited in the claim as a hyperlink that can be sorted and searched upon selection. However due to the verb initiate of an account it seems though that a policy or account is being created. The limitation may also be interpreted as though the initiation step includes selecting the hyperlink of policy/account which then generates a commissions report. Therefore the claim is vague and indefinite. Appropriate correction is required. In order to expedite prosecution, the examiner suggests reciting the limitation to positively claim the step of "initiating a policy/account, wherein initiation of the policy account..." if that is what the claim intends to cover.
9. Claims 9-11 recite: "The software application of claim..." there is no prior antecedent basis for a software application. Claims 8-11 depend on claim 7,

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which is directed to a computer readable medium. Appropriate correction is required.

10. The remaining independent claims are rejected due to the recitation of the same limitation and thus a rejection based on the same rationale as provided above. The dependent claims are rejected based on their dependency to the rejected independent claims.

***Claim Rejections - 35 USC § 101***

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claims 13-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
13. Claim 13 recites in the preamble "A server system...comprising:" The body of claim 13 recites "code means" for each limitation under the broadest reasonable interpretation. "Receiving element, processing element, saving element, displaying element, interface element" are interpreted as software embodiments. Claim 13 is non-statutory because the elements are interpreted as software elements, and the claim is thus directed towards software, per se, lacking storage on a medium, which enables any underlying functionality to occur. The instructions are in not executable form and therefore there is no practical

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application. The examiner suggests amending the claims to incorporate positive recitation of structural components or hardware that perform the functions of receiving, processing, saving, and displaying. (For example: “*a processor configured to analyze...*”; “*a disk or storage device configured to store...*”). The dependent claims are rejected based on their dependency to the rejected independent claims.

14. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

15. Claims 1 and 7 recite a method for enabling interactive access to an verification of agent commission information using a data processor: According to *In re Bilski* to qualify as a statutory process, the claim should positively recite the other statutory class to which it is tied in a non-trivial manner, for example by identifying the machine that accomplishes the method steps or positively reciting the subject matter that is being transformed. Claims 1 and 7 perform steps in a process that can be interpreted as an abstract idea. Claim 1 recites steps such as receiving agent information, analyzing and sorting, saving, providing an interactive display, providing interactive access. These steps can be broadly interpreted as simply giving someone access to (or a view of) a sheet of paper with data (such as agent information etc. as recited in the claim limitations) or a screen displaying that data, without the screen actually transforming the data, which would be interpreted as insignificant extra-solution activity by a display

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screen, merely receiving and displaying the received data. Therefore the claims are drawn towards an abstract idea.

16. The dependent claims are rejected based on their dependency to the rejected independent claims.

17. Claim 7 recites: computer readable medium including software..." under the broadest reasonable interpretation, the examiner interprets the readable medium as a signal or carrier wave and therefore non-statutory. The examiner suggests amending the preamble to "A non-transitory computer readable medium" or "A computer readable storage medium..." to overcome the rejection.

18. The dependent claims are rejected based on their dependency to the rejected independent claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abhishek Vyas whose telephone number is 571-270-1836. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Thur, ALT Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. V. /  
Examiner, Art Unit 3691

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art Unit 3691



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